

REMARKS

Introduction:

In accordance with the foregoing, FIGS. 2, 3 and 4 and claim 21 have been amended. The amendment of claim 21 has been made to rewrite claim 21 as an independent claim since claim 21 previously depended on claim 1, is withdrawn, and does not relate to the patentability of claim 21. No new matter is being presented. Therefore, claims 21-25 are pending in the application with claims 1-20 having been withdrawn and reconsideration is respectfully requested.

Drawing objections:

The drawings were objected to because the character references were judged to not be clear. Accordingly, FIGS. 2, 3 and 4 have been amended as shown in the attached replacement sheet with more clearly shown reference numerals. FIG. 1 has not been modified because it is believed to be compliant with the drawing requirements and, since it lacks reference numerals, it does not appear to have been subject to the drawing objections.

Rejections under 35 U.S.C. § 103(a):

Claims 21-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang et al. (U.S. Patent No. 4,863,782) in view of Eby et al. (U.S. Patent No. 6,753,066) and Schmidle et al. (U.S. Patent No. 4,491,616). These rejections are traversed since there are several claimed features not disclosed by either reference and because it does not appear as though there would have been a motivation to combine the references as suggested.

Regarding the rejections of claims 21 and 22, it is noted that claim 21 recites “applying to the surface of the gelled plastic layer a first printing ink containing a first photoinitiator in a first pattern or a first design, applying a first, non-curable coating made from a plastisol or organosol over the gelled plastic layer and first printing inks applying a second, curable coating over said

first coating and optionally drying it, gelling said second and optionally said first coatings, and mechanically embossing the second, curable coating.” Similarly, claim 22 recites “an ink containing a photoinitiator printed in a design on said foamed plastic layer, a non cured coating or a non cured layer overlaying the foamed plastic layer and ink, a cured coating or a cured layer overlaying the non cured coating or a non cured layer wherein the portion of the cured coating or the cured layer disposed over the ink is chemically and/or mechanically embossed.”

Thus, in accordance with the claims, the portion of the cured coating or the cured layer disposed over the ink is chemically and/or mechanically embossed and then the remaining part of the surface is embossed and then cured.

In Eby, on the other hand, the entire wear layer is embossed after it has been cured and softened by heat. Wang does not and is not cited for the purpose of curing this defect of Eby. Schmindle also fails to cure the defects of Eby.

For at least this reason alone, claims 21 and 22 are believed to be patentably distinguished from any combination of the references and that, therefore, the rejections of these claims are traversed.

Moreover, the presently claimed invention allows for two different types of embossing on the surface of the product. The first embossing is obtained by embossing the entire curable coating before curing it, curing the coating in specific locations, heating the coating so as to flatten out (relaxing) the embossing over the regions that have not been cured, embossing the non cured parts of the coating and then curing these regions of the coating. This cannot be achieved by any combination of Wang and Eby due at least to the fact that, as noted above, in Eby, the entire wear layer is embossed after it has been cured and softened by heat.

For this reason as well, claims 21 and 22 are believed to be patentably distinguished from any combination of the references and that, therefore, the rejections of these claims are traversed.

The rejections of claims 23-25 are believed to be traversed for at least the reasons set forth above.

Conclusion:

It is believed that the foregoing amendments and remarks place the application in condition for allowance and an early and favorable action to that effect is respectfully requested. The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application. Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply. If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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